

Miller & Chevalier

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VIA ECF

Hon. Ronnie Abrams
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square, Courtroom 1506
New York, NY 10007

Re: *In re Application of Martinez et al.*, No. 1:24-mc-00306-RA-SN

Dear Judge Abrams:

On behalf of Philippe Martinez and MSR Media SKN Ltd. (collectively, the “Applicants”), we write to provide notice of a recent development relevant to the Court’s consideration of the Caribbean Galaxy Parties’ Objections to the November 1, 2024, Report and Recommendation (ECF No. 43), which is fully briefed.

In their Objections, the Caribbean Galaxy Parties argue that the application for discovery should be denied because the discovery allegedly is for use only in a civil RICO suit filed by Applicants in the Middle District of Florida. *See* ECF No. 43 at 10-14. The Caribbean Galaxy Parties also argue that the third *Intel* factor weighs against discovery because the discovery supposedly constitutes an effort to circumvent U.S. discovery rules by seeking discovery in the civil RICO suit while motions to dismiss are pending. *Id.* at 17-18. On December 12, 2024, the Plaintiffs in the civil RICO suit (including Applicants) filed a notice of voluntary dismissal. *MSR Media SKN Ltd. et al. v. Khan et al.*, No. 8:24-CV-01248 (M.D. Fla. Dec. 12, 2024), ECF No. 120. Judge Kathryn K. Mizelle subsequently entered an order noting that the dismissal is self-executing and directing the case to be closed. *Id.* ECF No. 121.

The Objections should be denied for the reasons stated in the Applicants’ opposition brief (ECF No. 47) without regard to the dismissal of the civil RICO action. Because, however, the civil RICO suit featured prominently in the Objections, Applicants wanted the Court to be aware of this recent development. Applicants continue to seek discovery for use in the foreign defamation proceedings, as set out in their Application (ECF No. 1).

Respectfully submitted,

MILLER & CHEVALIER CHARTERED

/s/ Sandeep Prasanna

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CC: All counsel of record (via ECF)